

COUNTY COUNCIL

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M E M O R A N D U M

September 7, 2012

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Jay Furfaro, Council Chair
SUBJECT: SEPTEMBER 5, 2012 COUNCIL MEETING

This is to inform you of the action taken by the Council at its September 5, 2012 Council meeting and any follow-up that was requested:

CONSENT CALENDAR: (Received for the Record)

1. C 2012-355 Communication (08/13/2012) from the Executive on Transportation, transmitting the following:

1. for Council information, the Kauai Community College Public Transit Pilot Project Report, and
2. for Council consideration, amendments to Chapter 17A, Kauai County Code 1987, as amended, to address the discount bulk bus pass rate proposed for Kauai Community College students.

2. C 2012-356 Communication (08/13/2012) from the County Engineer, transmitting for Council consideration, amendments to Ordinance No. B-2012-737, Relating to the Fiscal Year 2012-2013 Capital Budget and Ordinance No. B-2012-736 relating to the Fiscal Year 2012-2013 Operating Budget to address utilization and transfer of funding from the Reserve Fund which will be used for the initial Disaster Response for the incident period of March 3-11, 2012 referred to by the Federal Declaration of April 18, 2012 referred to as FEMA-4062-DR-HI.

3. C 2012-357 Communication (08/15/2012) from the Director of Finance, transmitting for Council information, the Inventory Report for the Fiscal Year Ending June 30, 2012.

4. C 2012-358 Communication (08/20/2012) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal on C 2012-348(2), relating to the request for Council approval to include "Proposal 2," which is "A Bill For An Act Relating To Affordable Housing Credits" in the 2013 HSAC and 2013 County of Kaua'i Legislative Package, on the August 22, 2012 Council Meeting, because he is a Board member of the non-profit organization Hui Kaka'oAina Ho'opulapula, which works directly with the Department of Hawaiian Homelands (DHHL).

5. C 2012-359 Communication (08/24/2012) from the Director of Finance, transmitting for Council consideration, amendments to Ordinance No. B-2012-737, relating to the Fiscal Year 2012-2013 Capital Budget, to appropriate Community Facilities District (CFD) No. 2008-1 Series 2012 Bond Funds to specific projects in the Kōloa-Po'ipū area that were identified and approved via Council Resolution No. 2012-25, Exhibit A (Kaneiolouma Heiau, Po'ipū Beach Park Parking/Drainage Improvements, and Complete Streets Projects – Kōloa – Po'ipū Area).

COMMUNICATIONS:

1. C 2012-360 Communication (08/22/2012) from the Director of Parks and Recreation, requesting agenda time to brief the Council on the plans for a Skate Park in Līhu'e. **(Received for the record.)**

2. C 2012-345 Communication (07/31/2012) from the Director of Parks and Recreation, requesting agenda time to brief the Council on the Multi-Use Path Quarterly Report for the period December 2011 to June 2012. **(Received for the record.)**

3. C 2012-347 Communication (07/19/2012) from the Director of Finance, transmitting for Council information, the Period 12 Financial Reports – Statement of Revenues as of June 30, 2012 for Fiscal Year 2012, pursuant to Section 21 of Ordinance No. B-2011-732. **(Received for the record.)**

4. C 2012-361 Communication (08/13/2012) from the Fire Chief, requesting Council approval to apply, receive, and expend the U.S. Department of Homeland Security, Assistance to Firefighters, Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$472,350.00 that will be used to cover the cost of the salaries of three (3) new firefighters for the Līhu'e engine company for two (2) years with no cost share to the County. **(Approved.)**

5. C 2012-362 Communication (08/14/2012) from the Housing Director, requesting Council approval to decline the County's option to repurchase Unit No. 90, Villas at Puali, located at 1921 Hokulei Place, Līhu'e, Hawai'i, 96766, and to grant the owner a waiver of the buyback and allow the market sale of the unit for a period of one-year. **(Approved.)**

6. C 2012-363 Communication (08/14/2012) from the Housing Director, requesting Council approval to decline the County's option to repurchase Unit No. 201, Hookena at Puhi, located at 2080 Manawalea St., Līhu'e, Hawai'i, 96766, and to grant the owner a waiver of the buyback and allow the market sale of the unit for a period of one-year. **(Approved.)**

7. C 2012-364 Communication (08/28/2012) from Council Vice Chair Yukimura and Councilmember Nakamura, requesting agenda time to discuss and approve a list of community people to be recommended to and appointed by the Mayor to serve on a Mayor's Advisory Committee for a Drug Prevention Grant Pilot Project administered by the Life's Choices Kaua'i Office. **(Deferred.)**

8. C 2012-365 Request (08/29/2012) from the Office of the County Attorney for authorization to expend up to \$20,000 for special counsel's continued representation of the Kaua'i Police Commission and the Kaua'i Police Commission Members, in their official capacity, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court), and related matters. **(Approved.)**

LEGAL DOCUMENT:

1. C 2012-366 Communication (08/30/2012) from the Housing Director, recommending Council approval of the Grant of Easement from the County of Kaua'i and Paanau Village Partners LP to the Board of Water Supply, County of Kaua'i, for a Paanau Village Phase 2 water meter project. (TMK: (4) 2-6-015:020)

- Grant of Easement for TMK: (4) 2-6-015:020
(Approved.)

CLAIMS:

1. C 2012-367 Communication (08/16/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Koga Engineering & Construction, Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. **(Referred to the County Attorney's Office for disposition and/or report back to the Council.)**

2. C 2012-368 Communication (08/20/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Elizabeth G. Villasista, for medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i. **(Referred to the County Attorney's Office for disposition and/or report back to the Council.)**

3. C 2012-369 Communication (08/21/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by James Harper, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. **(Referred to the County Attorney's Office for disposition and/or report back to the Council.)**

4. C 2012-370 Communication (08/23/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Gilbert L. Tabalno, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. **(Referred to the County Attorney's Office for disposition and/or report back to the Council.)**

COMMITTEE REPORTS: (Approved.)

BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2446) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUS FARES **(Approved on First Reading, Public Hearing Scheduled for 9/26/2012, and thereafter referred to the Housing/Transportation/Energy Conservation & Efficiency Committee.)**

2. Proposed Draft Bill (No. 2447) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND – CIP **(Approved on First Reading, Public Hearing Scheduled for 9/19/2012 at 8:30 a.m., and thereafter referred to the 9/19/2012 Committee of the Whole meeting.)**

3. Proposed Draft Bill (No. 2448) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING AMOUNTS ESTIMATED IN THE GENERAL FUND **(Approved on First Reading, Public Hearing Scheduled for 9/19/2012 at 8:30 a.m., and thereafter referred to the 9/19/2012 Committee of the Whole meeting.)**

3. Proposed Draft Bill (No. 2449) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY ADDING A NEW BUDGET PROVISIO AND AMENDING AN EXISTING BUDGET PROVISIO IN THE CAPITAL BUDGET RELATING TO PROJECTS FUNDED WITH COMMUNITY FACILITIES DISTRICT BONDS **(Approved on First Reading, Public Hearing Scheduled for 9/26/2012, and thereafter referred to the Committee of the Whole.)**

BILLS FOR SECOND READING:

1. Bill No. 2438 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE REPRESENTATION OF CLIENTS WITH CONFLICTING INTERESTS BY THE OFFICE OF THE COUNTY ATTORNEY **(Received for the record.)**

2. Bill No. 2440 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED RELATING TO REAL PROPERTY TAX **(Approved.)**

3. Bill No. 2441 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL, HIGHWAY, AND SEWER FUNDS **(Approved.)**

4. Bill No. 2442 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL, BOND, AND SEWER TRUST FUNDS **(Approved.)**

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

Copy: Council
via e-mail: KCT Department Heads
KCT CCs
Staff